



## CITY OF SAINT PAUL

*Christopher B. Coleman, Mayor*

## DEPARTMENT OF HUMAN RIGHTS

*Tyrone Terrill, Director*

*240 City Hall*

*15 West Kellogg Boulevard*

*Saint Paul, MN 55102-1681*

*Telephone: (651) 266-8966*

*Facsimile: (651) 266-8962*

*TDD: (651) 266-8977*

### **AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS CONSTRUCTION CONTRACTS**

Section 183.04 of the Saint Paul Legislative Code (Human Rights Ordinance) and the Rules Governing Affirmative Requirements in Employment set forth the Affirmative Action Requirements which are to be incorporated into and made a part of every contract entered into by the City of Saint Paul. These documents are available on the Saint Paul Human Rights Department's Web Site [www.ci.stpaul.mn.us/depts/humanrights/](http://www.ci.stpaul.mn.us/depts/humanrights/), at the Department's office at 240 City Hall, Saint Paul, Minnesota, or by calling the Department at (651) 266-8966.

The Saint Paul Department of Human Rights is responsible for monitoring the Contract Compliance Program to determine whether or not persons or firms doing business with the City are complying with Section 183.04 of the Human Rights Ordinance and the Rules.

As stated in Section 183.04, the contractor will not discriminate against any employee or applicant for employment because of race, creed, religion, sex, sexual or affectional orientation, color, national origin, ancestry, familial status, age, disability, marital status or status with regard to public assistance.

Employers who contract with the City of Saint Paul must do more than merely avoid discriminatory practices. They must adopt and implement affirmative action programs to employ women, minorities, and people with disabilities.

The contractor must also include the Affirmative Action provisions of the Human Rights Ordinance and the Rules in every subcontract, purchase order, or agreement with any subcontractor (including material suppliers and subcontractors who enter into a contract with another subcontractor or material supplier), with stipulations that the subcontractor is bound by the terms thereof.

A contractor's good faith affirmative action efforts in the employment of women, minorities, and people with disabilities will be taken into consideration in the awarding of a contract. It is the contractor's responsibility to become familiar and comply with the City's requirements and to ensure that their subcontractors comply with them.

#### **AFFIRMATIVE ACTION PROGRAM REGISTRATION:**

Before a contract of \$50,000 or more will be awarded by the City of Saint Paul, the contractor must submit to the Department an Affirmative Action Program Registration. Additionally, every subcontractor who has had \$50,000 or more in contracts on City of Saint Paul assisted construction projects over the preceding twelve months must submit to the Department an Affirmative Action Program Registration. Contractors and subcontractors must certify that they have developed and are implementing an effective Affirmative Action Program, which includes hiring goals for the employment of women, minorities, and people with disabilities in job groups in the contractor's workforce which show underutilization.

Once the Affirmative Action Program Registration form is completed and accepted by the Saint Paul Human Rights Department, the contractor will be notified by letter. The Registration is valid for two (2) years, during which time the contractor will be required to submit Semi Annual Compliance Reports to the Department. At the end of the two-year period, the contractor must complete and submit a new Registration form.

A Model Affirmative Action Program is available from the Saint Paul Human Rights Department on their Web Page or by calling (651) 266-8966. A Model Modified Affirmative Action Program is available for contractors with twenty (20) or fewer employees.

Contractors, subcontractors, and major material suppliers are also required to submit to the Saint Paul Department of Human Rights all of their job openings in the eleven (11) county Minneapolis/Saint Paul Metropolitan Statistical Area (Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, Wright in Minnesota and Pierce and St. Croix counties in Wisconsin) when they are posted or advertised. The job openings may be faxed to the Department at (651) 266-8962 using the Department's Job Opening Fax Memo form.

### **CONSTRUCTION PROJECT GOALS:**

The female and minority employment utilization goals for construction workers on site on construction projects receiving \$50,000 or more in City of Saint Paul financial assistance are as follows. Contractors must actively demonstrate and document their good faith efforts to meet or exceed these goals:

<b>6 %</b>	<b>Female work hours,</b>
<b>11 %</b>	<b>Minority skilled craft work hours, and</b>
<b>11 %</b>	<b>Minority laborer work hours.</b>

### **DOCUMENTATION AND REPORTS WHICH CONSTRUCTION CONTRACTORS AND SUBCONTRACTORS WILL BE REQUIRED TO SUBMIT TO THE SAINT PAUL HUMAN RIGHTS DEPARTMENT ON PROJECTS RECEIVING \$50,000 OR MORE IN CITY OF SAINT PAUL FINANCIAL ASSISTANCE:**

#### **IDENTIFICATION OF PRIME CONTRACTORS AND SUBCONTRACTORS**

The Identification of Prime Contractors, Subcontractors, and Major Material Suppliers form must include all lower tier subcontractors and material suppliers. The names, addresses, telephone numbers, start date, completion date and nature of work must be listed for the prime contractor, as well as all subcontractors (including all major material suppliers). The Identification of Prime Contractors, Subcontractors, and Major Material Suppliers form must be submitted prior to the start of construction and updated as new subcontractors are added.

#### **PRECONSTRUCTION AND/OR PROJECT UTILIZATION CONFERENCE**

After the contract has been awarded, but before construction begins, the developer and prime contractor and all subcontractors that have been selected to work on the project will be required to meet (at a Preconstruction Conference and/or Project Utilization Conference) with the Human Rights Specialist that has been assigned to monitor the project. This conference will be held to discuss the utilization goals for minority and female workers, how the goals will be met, and any problems that may affect the project's ability to achieve the goals.

#### **PROJECT EMPLOYMENT UTILIZATION (PEU) FORMS**

The prime contractor and each subcontractor will complete and submit to the Human Rights Specialist the Project Employment Utilization form (PEU) indicating the Total Number of Project Work Hours they anticipate it will take to complete their portion of the work on the construction project, the Total Female Work Hours, Total Skilled Work Hours, Total Minority Skilled Work Hours, Total Laborer Work Hours, and the Total Minority Laborer Work Hours. The contractor and subcontractors must indicate on the bottom of the PEU form how they will meet the goals, through their internal work force or by hiring additional employees. If they are unable to meet the goals they must indicate the reason of the bottom of the PEU form and include the name, job title, race, gender and hire date for all current employees in the job categories which will be used on this project. These forms must be collected, totaled and submitted by the Prime Contractor to the Department as near to the start of the project as possible for as many subcontractors as you have hired. They must also be submitted as you hire additional subcontractors during the project.

#### **MONTHLY EMPLOYMENT UTILIZATION REPORTS**

The contractor and all subcontractors performing work on a construction project must submit Monthly Employment Utilization (MEU) reports to the Department by the 7<sup>th</sup> of each month. The MEU reports must indicate the number of minority and female work hours performed on site, the number of individuals on site who are minority and female, and the names and employment dates of the minorities and females. Each month, the MEU forms must be collected and put in the form of a summary spreadsheet by the Prime Contractor. The monthly summary spreadsheet must be cumulative, including the project work hours from the previous months. The summary spreadsheets are due by the 7<sup>th</sup> of each month.

**WEEKLY REPORT OF SUBCONTRACTORS ON JOB SITE**

For specified projects, these reports should be completed by the project foreman and submitted along with the monthly employment utilization reports and summary spreadsheets.

**EQUAL EMPLOYMENT OPPORTUNITY POSTERS** must be posted at the construction site and also in the offices of the contractor and all subcontractors. These posters can be obtained from the Saint Paul Human Rights Department.

**ON SITE REVIEWS**

Once the project has begun, the Human Rights Department staff will conduct periodic on-site inspections at the project site in order to verify the employment of minority and female employees.

**APPRENTICESHIP OPPORTUNITY PILOT PROJECT (AOPP):**

AOPP was established in 2006 by City of Saint Paul Council Resolution 06-304. AOPP seeks to assist contractors as they diversify and strengthen their workforce by hiring new apprentices who seek to begin a career in the construction trades and by hiring apprentices already enrolled in union apprenticeship programs. AOPP facilitates the hire of apprentices by working as a liaison between the government, construction developers, contractors, unions, and community-based organizations with pre-apprenticeship programs or construction placement services. It is the goal of AOPP to provide contractors with a pool of work-ready individuals, many of whom have graduated from local pre-apprentice programs or have previous construction experience. To learn more about hiring an apprentice, please contact the AOPP organization staff at 651-224-4601, Ext. 221.

The AOPP Resolution set a **15% apprentice utilization goal** for construction projects receiving \$50,000 or more in City of Saint Paul financial assistance. Contractors must actively demonstrate and document their good faith efforts to meet or exceed this goal. If the Human Rights Department determines that requiring the use of 15% apprentices is not appropriate due to the nature of the project, the Department will notify the contractors at the Preconstruction conference.

AOPP affirmatively advocates on behalf of women, minorities and low-income adults seeking apprentice opportunities. On construction projects receiving \$50,000 or more in City of Saint Paul financial assistance, there are utilization goals for the employment of female and minority apprentices. Of the total number of apprentice hours on the project, the goals are:

<b>6 %</b>	<b>Female apprentice hours,</b>
<b>11 %</b>	<b>Minority apprentice hours.</b>

**CONTRACTOR COMPLIANCE REVIEWS:**

The Human Rights Department staff will monitor the contractor's and subcontractors' affirmative action efforts and results. On-Site Compliance Reviews will be conducted on the work force of contractors, their subcontractors and material suppliers that enter into contractual agreements with the City of Saint Paul. The purpose of these reviews is to determine the contractors' compliance with the rules, regulations and orders of Section 183.04 of the Human Rights Ordinance. On-site reviews include, but are not limited to, reviewing the implementation of the contractor's Affirmative Action Program, personnel policies and procedures.

**DEVELOPER AND CONTRACTOR RESPONSIBILITY:**

The developer and prime contractor has the contractual responsibility to ensure that the project achieves the utilization goals. However, each subcontractor that the prime contractor hires to work on the project must assist the prime contractor to meet the project's goals. Consequently, each subcontractor is also required to achieve or make every good faith effort to achieve the respective utilization goals in proportion to the number of construction hours they anticipate it will take to complete their portion of the construction.

Contractors and subcontractors may be required to provide additional documentation in order to determine whether or not they are making measurable improvements in the hiring of minority, female and disabled persons, including, but not limited to:

1. Good Faith Efforts Questionnaire
2. Applicant Flow Data
3. Employee Turnover Data
4. Documentation Supporting Dissemination and Implementation of EEO/AA Policies.
5. Documentation Supporting Recruitment Efforts.

Failure to comply with any of the requirements set forth above is sufficient grounds for disciplinary or remedial actions provided for under Article IV of the Rules; namely:

1. Termination of the contract;
2. Suspension of the contract until corrective steps are taken;
3. Continuation of the contract subject to the imposition of conditions to correct the noncompliance;
4. Declaration that the contractor shall be ineligible to bid on future contracts either permanently or for a stated time; or
5. A combination of the above.

It is imperative that contractors who are being considered for contracts of \$50,000 or more contact the Human Rights Department to obtain copies of the requirements and documents in order to expedite the Affirmative Action reviewing process. If you have any questions, please contact a Human Rights Specialist at (651) 266-8966.

Effective 11/01/06